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PATENT  
ATTORNEY DOCKET NO.: 56297-5012-01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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JAN 08 2003

TECH CENTER 1600/2900

In re Application of: )  
Thomas GINGERAS *et al.* )  
Application No.: 09/285,306 )  
Filed: April 2, 1999 )  
For: MYCOBACTERIAL RpoB SEQUENCES )

Group Art Unit: 1637

Examiner: J. Siew

Commissioner for Patents  
Washington, D.C. 20231

Sir:

**AMENDMENT TRANSMITTAL FORM**

1. Transmitted herewith is a Reply to the Office Action mailed October 28, 2002.
2. Additional papers enclosed:  
[ ] Notice of Appeal  
[ ] Sequence Listing  
[ ] Sequence Listing on Computer Readable Diskette
3. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. §1.136(a) apply.

- [X] Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

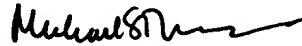
6. Fee Payment

- ☐ No fee is to be paid at this time.
- ☒ The Commissioner is authorized to deduct from Deposit Account No. 50-0310 the amount of **\$84.00** (extra independent claim fee).
- ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, including fees due under 37 CFR § 1.16 and 1.17, or credit any overpayment to Deposit Account 50-0310.

Respectfully submitted,

**MORGAN, LEWIS & BOCKIUS LLP**

By:



Michael S. Tuscan

Reg. No. 43,210

Dated: January 6, 2003

**CUSTOMER NO. 000033522**  
**MORGAN, LEWIS & BOCKIUS LLP**  
1111 Pennsylvania Avenue, NW  
Washington, D.C. 20004  
202-739-3000

- ☐ Applicant petitions for an extension of time, the fees for which are set out in 37 CFR §1.17(a), for the total number of months checked below:

<u>Total Months Requested</u>	<u>Fee for Extension</u>	<u>Fee for Small Entity</u>
<input type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input type="checkbox"/> two months	\$ 400.00	\$200.00
<input type="checkbox"/> three months	\$ 920.00	\$460.00
<input type="checkbox"/> four months	\$1,440.00	\$980.00

Extension of time fee due with this request: \$ .00

If an additional extension of time is required, please consider this a Petition therefor.

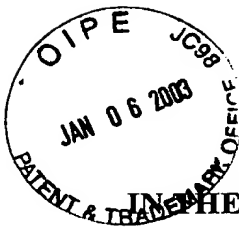
- ☐ An extension for    months has already been secured and the fee paid therefor of \$            is deducted from the total fee due for the total months of extension now requested.

4. Constructive Petition

- ☒ **EXCEPT** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §' 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

5. Fee Calculation (37 C.F.R. § 1.16)

CLAIMS AS AMENDED						
	Claims Remaining After Amendment		Highest No. Previously Paid	Present Extra	at Rate of	Total Fees
Total Claims (37 C.F.R. §1.16(c))	16	minus	20	0	x \$18 each=	+ \$0.00
Independent Claims (37 C.F.R. §1.16(b))	6	minus	5	1	x \$84 each=	+ \$84.00
<input type="checkbox"/> First presentation of Multiple dependent claim(s)					\$270.00	+ \$
<b>SUB-TOTAL =</b>						<b>\$84.00</b>
<b>Reduction by 2 for filing by a small entity</b>						<b>- \$0.00</b>
<b>TOTAL FEE =</b>						<b>\$84.00</b>



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Commissioner for Patents  
Washington, D.C. 20231

Sir:

#### AMENDMENT

In response to the Office Action mailed October 28, 2002, please amend the above-identified application as follows prior to examination:

#### IN THE SPECIFICATION:

Please replace the paragraph beginning at page 8, line 12 and ending at page 9, line 11 with the following:

-- One example of algorithm that is suitable for determining percent sequence identity and sequence similarity is the BLAST algorithm, which is described in Altschul *et al.*, *J. Mol. Biol.* 215:403-410 (1990). Software for performing BLAST analyses is publicly available through the National Center for Biotechnology Information ([www.ncbi.nlm.nih.gov](http://www.ncbi.nlm.nih.gov) – without the space before “gov”). This algorithm involves first identifying high scoring sequence pairs (HSPs) by identifying short words of length W in the query sequence, which either match or satisfy some positive valued threshold score T when aligned with a word of the same length in a database sequence. T is referred to as the neighborhood word score threshold (Altschul *et al.*, *supra*). These initial neighborhood word hits act as seeds for initiating searches to find longer HSPs containing them. The word hits are then extended in both directions along each sequence for as far as the cumulative alignment score can be increased. Cumulative scores are calculated using, for nucleotide sequences, the parameters M (reward score for a pair of matching residues; always > 0) and N (penalty score for